

REMARKS

Applicants appreciate the consideration of the present application afforded by the Examiner. Claims 1-27 are pending in this application. Claims 1, 6, 7, 12, 13, 16, 17, 22, 23, and 27 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

By this amendment, Applicants have amended the claims to more appropriately recite the claimed invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejections, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 6 and 16 under 35 U.S.C. §102(b) as being anticipated by Takahashi (JP 1998-107737); rejected claims 1, 3, 4, 8, 12, 13, 17, 18 and 22-27 under 35 U.S.C. §103(a) as being unpatentable over Ozawa in view of Ikeda (U.S. Patent Application Publication No. 2005/0083885); rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over Ozawa in view of Ikeda and further in view of Elzur (U.S. Patent Application Publication No. 2003/0169744); and further in view of Ichimi (USP 6,865,687); and rejected the remainder of the claims using a variety of combinations of cited art references. Applicants respectfully traverse these rejections.

Claim Rejections – 35 U.S.C. §102 - Takahashi

In their previous response, with regard to claim 6, Applicants argued that Takahashi fails to teach or suggest “generating a disconnection request containing a command and data required for disconnecting a number of contiguously adjacent layers among the plurality of communication layers”.

In response to this argument, the Examiner asserts that Takashi, in Fig. 4, discloses disconnection requests (6) and (12) passing through contiguous layers “upper layer,” IrLMP and IrLAP on device A to device B and up through contiguous layers IrLAP and IrLMP again with disconnection request (14) and (10), respectively.

Applicants respectfully submit the Examiner is taking an unduly broad interpretation of the claim language. However, without conceding the propriety of the Examiner's rejection, and

in order to advance prosecution of the present application, Applicants have amended claim 6 to recite, *inter alia*, “the transmitter comprising disconnection request generating means for generating a single disconnection request containing a command and data required for disconnecting a number of contiguously adjacent layers among the plurality of communication layers; and disconnection request transmitting means for transmitting the single disconnection request to the receiver so as to disconnect the plurality of communication layers.”

As previously noted on the record, paragraphs [0050] through [0053] of Takahashi describe a disconnection procedure carried out across the IrLMP layer and the IrLAP layer. However, Takahashi merely describes a general disconnection procedure of IrDA such that a connection at the IrLMP layer level is disconnected by using a data packet of the IrLAP layer. Then, a connection at the IrLAP layer level is disconnected by using a DISC packet of the IrLAP layer. In other words, Takahashi fails to teach or suggest that a plurality of communication layers are disconnected by a transmission of a single disconnection request.

Accordingly, Takahashi cannot teach the feature of the claimed invention regarding “disconnection request generating means for generating a single disconnection request containing a command and data required for disconnecting a number of contiguously adjacent layers among the plurality of communication layers; and disconnection request transmitting means for transmitting the single disconnection request to the receiver so as to disconnect the plurality of communication layers.”

Therefore, as Takahashi fails to disclose each and every claimed element, independent claim 6 is distinguishable from the prior art. Takahashi likewise fails to disclose the comparable features of independent claims 16.

Accordingly, Applicant respectfully requests that the rejection of claims 6 and 16 under 35 U.S.C. § 102(b) be withdrawn.

Claim Rejections – 35 U.S.C. §103

By this amendment, and without conceding the propriety of the Examiner’s rejection, Applicants have amended claim 1 to recite, *inter alia*, the transmitter comprising connection request generating means for generating a single connection request containing a command and

data required for connecting a number of contiguously adjacent layers among the plurality of communication layers; and connection request transmitting means for transmitting the single connection request to the receiver so as to establish connection of the plurality of communication layers.

In support of the Examiner's rejection of claim 1, the Examiner admits that Ozawa failed to teach or suggest "containing a command and data required for connecting a number of contiguously adjacent layers among the plurality of communication layers." The Examiner relies on the teachings of Ikeda to cure the deficiencies of the teachings of Ozawa, citing to paragraph [0080]. Applicants respectfully submit that the teachings of Ikeda are insufficient to cure the deficiencies of the teachings of Ozawa with regard to claim 1, as amended.

The disclosure of Ikeda is directed to a movement detection method and mobile terminal. At paragraph [0080], Ikeda discloses as follows:

[0080] In FIG. 8, when the mobile terminal receives an IP packet (herein representing a Router Advertisement message) from the new access router (AR2) 100b (S1511) while communicating with the original access router (AR1) 100a, it performs a determination (unofficial decision) whether to implement an IP handover before the actual establishment of Layer 3 connection (establishment of L3), creation of an IP address and a Binding Update message on the basis of the IP packet simultaneously with L2 connection processing. This is because generation of IP address and so on can be made from the network prefix information included in the Router Advertisement message which the mobile terminal 20 can refer to IP layer network information (the Router Advertisement message) broadcasted in Layer 2 via both of the access routers (AR1, AR2) in the case where a neighbor access router AR2 provides a radio access at the same frequency.

As can be seen from the above disclosure, Ikeda discloses that the IP handover is partially performed simultaneously with L2 connection processing. In addition, Ikeda further discloses that a message for the handover is sent after the L2 connection has been established.

In contrast, claim 1, as amended, requires the transmitter comprising connection request generating means for generating a single connection request containing a command and data required for connecting a number of contiguously adjacent layers among the plurality of communication layers; and connection request transmitting means for transmitting the single

connection request to the receiver so as to establish connection of the plurality of communication layers.

Applicants respectfully submit that Ikeda fails to teach or suggest connection of a plurality of communication layers is established by transmission of a single connection request.

As neither Ozawa nor Ikeda, either alone or in combination, teach or suggest this claim element (assuming these references are combinable, which Applicants do not admit), Applicants respectfully submit that claim 1, as amended, together with claims dependent thereon, are patentable over the references as cited. It is respectfully requested that the outstanding rejection be withdrawn.

Claims 12, 13, 17, 22, 23 and 27 have similarly been amended to require connection of a plurality of communication layers being established by transmission of a single connection request. For the reasons noted above with regard to claim 1, Applicants respectfully submit that the references as cited fail to teach or suggest the invention recited in these claims. Thus, claims 12, 13, 17, 22, 23 and 27, together with claims dependent thereon, are allowable for the reasons set forth above with regard to claim 1.

Claim 7 has similarly been amended to require connection of a plurality of communication layers being established by transmission of a single connection request. For the reasons noted above with regard to claim 1, Applicants respectfully submit that the references as cited fail to teach or suggest the invention recited in this claim. Further, Applicants respectfully submit that Elzur and Ichimi fail to cure the deficiencies of the teachings of Ozawa and Ikeda. Thus, claim 7 is allowable for the reasons set forth above with regard to claim 1.

Conclusion

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/577,337
Amendment dated March 15, 2010
Reply to Office Action of December 15, 2009

Docket No.: 1248-0867PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: March 15, 2010

Respectfully submitted,

By 

Catherine M. Voisinet

Registration No.: 52327

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicants